

11641
Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 9, 1972

Application No. 11041 Alma E. Davidson, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried unanimously, the following Order of the Board was entered at the meeting of June 13, 1972.

ORDERED:

That the application for a variance of the provisions of Section 3301.1 requiring 900 feet per unit for conversion of flat into three-unit apartment at 1741 North Capitol Street, N. E. lot 12, Square 3512 be DENIED.

FINDINGS OF FACT:

1. The subject property is located in an R-4 District.
2. The property is presently improved with a three-story brick building.
3. Evidence was submitted establishing that the property consists of 18,000 square feet and since 27,000 square feet are required for a three-unit apartment building in the R-4 District, the owners requested a 900 foot variance.
4. Appellant stated that the building was designed to accommodate three families with apartments on the first, second and third floors. Each apartment contains three rooms, kitchen, and bath with rear porch and fire escape for second and third floor apartments.
5. Evidence was submitted showing that the Board of Zoning Adjustment in Application No. 8120, dated March 24, 1965, granted the application to convert the subject property into a three-unit apartment.
6. There was no opposition registered at the public hearing as to the granting of this application.

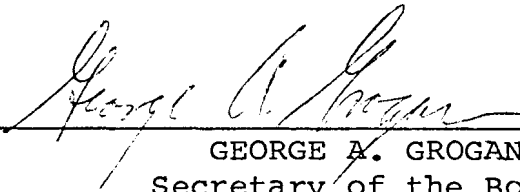
OPINION:

From the evidence adduced at the public hearing and from examination of the records in this file and Application No. 8120 which was included by reference by appellant, the Board unanimously voted to deny appellant's request. It has been a long principle that a Certificate of Occupancy must be picked up within six months from the effective date of an order. In the instant case, the Board previously granted a variance for a three-unit apartment. However, no Certificate of Occupancy was issued. The Board now considers the application for variance fully based on the need and effect upon the Zoning Regulations and Map. It is our opinion that when the appellant neglected to acquire the Certificate of Occupancy in the previous case and subsequently operated the building as a two-family flat for an undetermined period of time, he then loses his rights to be considered under the old decision of the Board. In the instant case, the area has changed and the Board feels that a grant of the instant case would not be in harmony with the purpose and general intent of the Zoning Regulations and Map.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____



GEORGE A. GROGAN
Secretary of the Board

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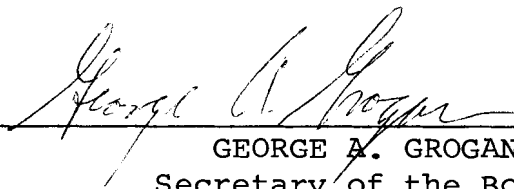
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